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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,410	11/13/2001	Richard Nicholas Whyne	21334-1033	2971

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EXAMINER

NGUYEN, PHUONGCHI T

ART UNIT PAPER NUMBER

2833

DATE MAILED: 09/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,410

Applicant(s)

WHYNE ET AL.

Examiner

Phuongchi T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11, 12, 14 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8, 10, 13 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment of June 13, 2003 is acknowledged. It is noted that claims 1, 3, 5, 11, 12, 16 and 18 are amended. Claims 6, 7 and 9 are canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 8, 10-12 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemke et al (US6443750B1-herein after referred to as Lemke).

In regard to claims 1 and 18, Lemke discloses a terminal (attachment 1) for use with a socket, the terminal comprising a pin engaging portion (345, 343) having a pair of contact arms (A1, A2) which are positioned to make electrical engagement with a mating pin (P); a retention portion (347) extending from the pin engaging portion (345, 343), side edges (B) of the retention portion (347) are dimensioned to create a frictional interference with side wall of a cavity of the socket (figure 7c); a mounting portion (357) extending from the retention portion (347) in an opposite direction from the pin engaging portion (345, 343); the mounting portion having two resilient legs (C) are separated by an opening (forming between the two legs C), the opening extending from proximate the retention portion (347) to a bridge (357) which extends between the two resilient legs (C).

In regard to claim 2, Lemke discloses the terminal wherein the pair of contact arms (A1, A2) are nonsymmetrical, a first contact arm (A1) of the pair of contact arms is configured to have a longer electrical path across which signals are transmitted than a second contact arm (A2) (attachment 1).

In regard to claims 3 and 12, Lemke discloses (attachment 1) the terminal wherein a bight (D) integrally connects the first and second arms (A1, A2) together; a centerline of the bight portion (E1) is offset from a centerline of the terminal (E2).

In regard to claims 4 and 11, Lemke discloses (attachment 1) the terminal wherein the first contact arm (A1) has a reduced thickness (of T1) compared to (T2 of) the second contact arm (A2), whereby the first contact arm (A1) is configured to have a matched inductance to the second contact arm (A2) (a matched inductance is from a balance of the thickness and the different path of the two arms).

In regard to claim 8, Lemke discloses the mounting portion has a pair of positioning member (G) (figure 7c and 5a) that are loosely received in slots provided in the socket to allow for movement of the two legs (C) relative to the retention portion (347).

In regard to claims 10 and 19, Lemke discloses the terminal wherein the contact arms (A1) have a reduced material thickness (T1) (attachment 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemke et al (US6443750B1-herein after referred to as Lemke) in view of Hsiao et al (US 6142810-herein after referred to as Hsiao).

In regard to claim 14, Lemke lacks two legs of the mounting portion, which extend from the retention portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the legs of Lemke by duplicating two legs for balance the contact terminal; since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

6. Claims 5, 13 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

In regard to claims 5 and 13, none of prior art teaches or suggest the terminal wherein a neck member integrally attaches the pin engaging portion to the retention portion to provide flexibility.

In regard to claim 15, none of prior art teaches or suggest the terminal of use in the IC socket having the two resilient legs are separated by an opening, the opening extending from proximate the retention portion to a bridge which extends between the two resilient legs.

7. The indicated allowability of claim 7 is withdrawn in view of the newly discovered reference(s) to Zanolli (US6206735).

Response to Arguments

8. Applicant's arguments with respect to claims 1- 5, 8 and 10 have been considered but are moot in view of the new ground(s) of rejection.

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9. Applicant's argument that "Lemke et al does not teach an extension, which extends from the retention portion to a solder pad" is not deemed persuasive; because this limitation is no longer recited in the claim based on the amendment of June 13, 2003. Therefore, Examiner presents no response to the argument. However, should that language in addition to the other language deleted from claim 1, by amendment, be incorporated back into Claim 1, favorable consideration would be given.

10. Applicant's argument that "Lemke et al teaches the exact opposite of the claim invention, that is a first beam 345 with a longer length and greater width than a second beam 343" is not deemed persuasive; because *a first contact arm (A1) (of a first pin engaging portion 345) is configured to have a longer electrical path (P1) (or a longer length P1) across which signals are transmitted than (a electrical path P2 of) a second contact arm (A2) (of the second pin engaging portion 343); and the first contact arm (A1) has a reduced thickness (of T1) compared to (thickness T2 of) the second contact arm (A2).* Therefore, the spring rates are balanced to transmit the electric signals across the beams.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

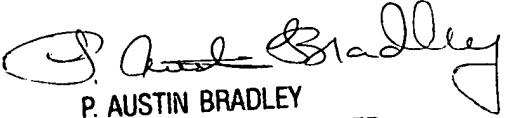
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi T Nguyen whose telephone number is (703)305-0729. The examiner can normally be reached on Monday through Thursday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308 - 2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7723 for regular communications and (703) 305-7723 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

September 8, 2003


P. AUSTIN BRADLEY
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